

Honorable Price Daniel, Jr., Speaker of the House of Representatives, called the House to order and announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker of the House presented The Honorable Mickey Leland, who introduced George Foreman, who addressed the Joint Session.

The Speaker of the House presented The Honorable William P. Hobby, who addressed the Joint Session.

The Speaker then presented The Honorable Dolph Briscoe, who addressed the Joint Session.

The Speaker then introduced The Honorable Berl L. Handcox, who presented Mr. Foreman a certificate proclaiming today "George Foreman Day" in the City of Austin.

MEMORIAL RESOLUTIONS

S.R. 166 - By Senator Snelson: Memorial resolution for Mrs. Eva R. Warnock.

S.R. 167 - By Senator Snelson: Memorial resolution for David Leonard Monroe.

S.R. 168 - By Senator Snelson: Memorial resolution for William Wallace Watkins.

S.R. 169 - By Senator Snelson: Memorial resolution for D. K. Glenn.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 162 - By Senator Ogg: Extending welcome to Duchesne Academy Houston Students.

S.R. 163 - By Senator Herring: Extending congratulations to Dr. J. B. Copeland.

S.R. 164 - By Senator Clower: Extending welcome to Gene Clower.

S.R. 165 - By Senator Aikin: Extending welcome to Judge J. R. Hubbard.

ADJOURNMENT

The President announced that the purpose of the Joint Session having been concluded, the Senate at 11:26 o'clock a.m. would stand adjourned until 10:30 o'clock a.m. tomorrow on motion previously adopted by the Senate.

TWENTY-FIFTH DAY (Thursday, February 22, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was

called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senators were absent-excused: Creighton and Mengden.

A quorum was announced present.

The Reverend C. Ray Burchette, Jr., Highland Park Baptist Church, Austin, Texas, offered the invocation as follows:

We would do more in these brief moments, Father, than tip our hat to custom or convention. Grant these men and women a moment of renewal before they begin their business here. May they have the wisdom of God as they conduct the business of men.

The winds of change blow - words of reform are in the air. Give courage so that we may not fear change and wisdom not to reject tradition simply because it is old.

Father, these members bear an awesome responsibility as they hammer out laws that will affect an entire state. May they remember that You care about what is done here because You care about the welfare of all men. Give them wisdom to legislate so that, inasmuch as it is possible, the common good of all the people will best be served. Above all, may each of them love mercy, do justly, and walk humbly in Thee. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Mengden was granted leave of absence for today on account of illness on motion of Senator Harris.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

REPORTS OF STANDING COMMITTEES

Senator Harrington, Vice-Chairman, submitted the following report for the Committee on Economic Development:

Nomination of Joe Christie to be Chairman of the Insurance Commission.

Senator Moore submitted the following reports for the Committee on State Affairs:

C.S.S.B. 144 (Read first time)

C.S.S.B. 222 (Read first time)

C.S.S.J.R. 8 (Read first time)

Senator Sherman submitted the following reports for the Committee on Natural Resources:

H.C.R. 9

H.B. 189

Senator Brooks submitted the following reports for the Committee on Human Resources:

Nominations of Morris S. Webb, Dr. James L. Boone, Jr., Robert M. McAbee and Dr. Hugh E. McCallick to be Members of the Advisory Council for Technical-Vocational Education in Texas.

NOMINATION ADDED TO EXECUTIVE SESSION

On motion of Senator Harrington and by unanimous consent, the nomination of Joe Christie to be a member and chairman of the State Board of Insurance was added to the nominations to be considered at the Executive Session scheduled for today.

SENATE BILLS ON FIRST READING

By Senator Brooks:

S.B. 336, A bill to be entitled An Act relating to the operation of sheltered workshops by the Texas Department of Mental Health and Mental Retardation; amending Section 2.17, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Finance.

By Senator Brooks:

S.B. 337, A bill to be entitled An Act providing an exception to the requirements for a fishing license for certain hospital patients; amending Section 2, Chapter 239, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 4032b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Gammage:

S.B. 338, A bill to be entitled An Act relating to the regulation of wages paid mechanics and laborers by contractors and subcontractors in connection with the construction, maintenance, and repair of highways; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 339, A bill to be entitled An Act relating to salaries of assistants to county school superintendents in certain counties; repealing Chapter 914, Acts of the 62nd Legislature, Regular Session, 1971, (Article 2700e-17, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Education.

By Senator Clower:

S.B. 341, A bill to be entitled An Act shifting the financial burden of caring for dependent and neglected children from the counties to the State of Texas; amending Section 5, Chapter 194, Acts of the 42nd Legislature, Regular Session, 1931 (Article 695a, Vernon's Texas Civil Statutes); amending Sections 39 and 40, The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes); repealing conflicting laws; providing for severability; and declaring an emergency.

To Committee on Finance.

By Senator Mengden:

S.B. 342, A bill to be entitled An Act relating to textbooks for use in the public schools of the state; amending Chapter 12, Texas Education Code; and

declaring an emergency.

To Committee on Education.

By Senator Mengden:

S.B. 343, A bill to be entitled An Act relating to the right of a parent to consent to a pupil's attendance at sex education classes; amending Chapter 4, Texas Education Code, by adding Section 4.32; and declaring an emergency.

To Committee on Education.

By Senators Wolff and Traeger:

S.B. 344, A bill to be entitled An Act authorizing entities, either public or private, which are engaged in the generation, transmission, or distribution of electric energy for sale to the public, to cooperate and join in the planning, financing, acquisition, construction, ownership, operation and maintenance of power plants, transmission lines, and other electric facilities; providing that each of such participating entities shall owe all the duties and shall have the rights, powers, liabilities, privileges, and exemptions attributable to its undivided interest in such facilities as provided by law with respect to an entire interest in electric facilities; providing specifically for the application of such rights, powers, and exemptions of each entity, acting for itself or for the participating entities, in the issuance of bonds and other securities, purchasing and condemning property under the power of eminent domain, to tax assessments and exemptions attributable to the respective interests of the participants, and for the insuring of property and risks in such jointly owned and operated facilities; containing a severability clause; and declaring an emergency.

To Committee on Natural Resources.

By Senator Mengden:

S.B. 345, A bill to be entitled An Act creating the Higher Education Student Grievance Commission concerning the problems of college students and making an appropriation for its expenses; and declaring an emergency.

To Committee on Education.

By Senator Wolff:

S.B. 346, A bill to be entitled An Act authorizing home-rule cities to license and otherwise regulate the home improvement business; and declaring an emergency.

To Committee on Human Resources.

By Senator Ogg:

S.B. 347, A bill to be entitled An Act relating to requiring the regulations of the Consumer Credit Commissioner dealing with pawnbrokers to provide for adequate identification of pledgors and specifying certain requirements; amending Section 9, Chapter 894, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5069-51.09, Vernon's Texas Civil Statutes), by adding a Subsection (c); and declaring an emergency.

To Committee on Human Resources.

By Senator Ogg:

S.B. 348, A bill to be entitled An Act relating to continuances in court cases when a party or attorney is a member of the legislature; amending Section 1, Chapter 7, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 2168a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senators Hightower and Aikin:

S.B. 349, A bill to be entitled An Act relating to the eligibility of certain consolidated school districts for incentive aid payments; amending Section 23.999, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Moore:

S.B. 350, A bill to be entitled An Act relating to disclosures designed to inform the legislature and the public of the identity of persons who for pay or with funds contributed to them seek to influence the legislative process, the sources of their funds, and their areas of legislative activity; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Aikin:

S.B. 351, A bill to be entitled An Act providing that no person engaged in the work of, connected with, or employed by any newspaper, or other printed publication, press association, wire service, news agency, radio or television or network shall be compelled to disclose any information or any source of such information procured or obtained by such person in the course of his news-related activities; amending the Code of Criminal Procedure, 1965, by amending Article 38.10, as heretofore amended, and by adding Article 38.102; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict; and declaring an emergency.

To Committee on Jurisprudence.

COMMITTEE APPOINTED

Pursuant to the provisions of H.C.R. 15 the President announced the appointment of the following Committee to escort The Honorable Joe L. Matthews, National Commander of the American Legion, to the Joint Session: Senators Meier, Andujar, Clower, Hightower and Kothmann.

SENATE RESOLUTION 171

Senator Hightower offered the following resolution:

WHEREAS, February 22 has been celebrated traditionally as the birthday of George Washington, the first president of the United States; it is the desire of the Senate of Texas to honor another great leader whose birthday also falls on this date; and

WHEREAS, Senator Raul Longoria, our distinguished colleague, was born on February 22, 1921, at LaGrulla, Texas in Starr County; he studied law at the University of Texas at Austin and was awarded his Bachelor of Law degree in 1952; his legal practice in Edinburg includes both civil and criminal law; and

WHEREAS, Senator Longoria served with honor and distinction as a Member of the Texas House of Representatives during the 57th Session of the Legislature, and continuously from the 59th through the 62nd Sessions; in 1971, he held the position of Chairman of the House Agriculture Committee; and

WHEREAS, Throughout his career, he has been strengthened by the support and companionship of his lovely wife, Earlene, whom he married on September 9, 1947; their marriage was blessed with five delightful children, Samuel Glenn, Janeice Maxene, Roy Alan and their twin girls, Martha Elaine and Cecilia Joyce; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature of the State of Texas take this opportunity to wish our esteemed colleague, Senator Raul Longoria, a very happy birthday; and express to him our best wishes for continued good health and happiness.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers

thereof.

On motion of Senator Hightower, the resolution was adopted.

MESSAGES FROM GOVERNOR

The following messages from the Governor was read and referred to the Committee indicated:

Austin, Texas
February 20, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Chief Justice of the Court of Civil Appeals for the First Supreme Judicial District of Texas until the next general election and until his successor shall be duly elected and qualified:

The Honorable Tom F. Coleman of Houston, Harris County, to replace The Honorable Spurgeon E. Bell, of Houston, Harris County, who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Jurisprudence.

The following message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas
February 22, 1973

TO THE MEMBERS OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Section 5, Article III of the Constitution of the State of Texas, I herewith submit as an emergency matter the following:

The Habitual Traffic Offender Act.

I have become increasingly concerned over the carnage on the Texas highways. Further investigation has disclosed that more than half of the highway fatalities involve an accident in which the driver of one of the vehicles involved was drunk. The preliminary reports of the Texas Department of Public Safety for 1972 indicate that there were 3,097 fatal accidents in Texas and 3,685 people killed. More than 200,000 Texans were injured in motor accidents on our highways last year and the economic loss was over one billion dollars. Last year there were 38,692 people charged with driving while intoxicated according to Department of Public Safety records. This was an increase of over 3,000 from 1971. It is time for us to take action and to remove these drivers from our highways.

The statistics are all the more grim since they show that the largest number of fatal accidents involve our young people - those between the ages of 15 and 24. Accidents are the top killer of Texas youths. However, even in adults, they rank only behind heart disease, cancer and cerebrovascular

diseases. The National Safety Council and the Department of Defense made a comparison of fatal accidents per 100,000 and found that those 24 and under suffered 105 fatalities; in comparison those 65 and older suffered 58 fatalities. In 1970, there were 16,500 people between the ages of 15 and 24 killed on the highways of the United States; in comparison, 4,221 were killed in Viet Nam.

This bill will not affect the responsible driver. The habitual offender is one who has been convicted of four offenses arising out of four different transactions. He has not been involved in just one accident or even two, but four within a five year period involving a serious offense.

The proposed legislation to remove these dangerous drivers from our highways is S.B. 176 introduced in the Senate by Senator John Traeger of Seguin and H.B. 628 by Representative Frank Lombardino of San Antonio.

The bill defines an habitual traffic offender as a person who is convicted of four offenses within a five year period. The offenses are as follows:

- (1) negligent homicide from the operation of a motor vehicle;
- (2) driving a motor vehicle while under the influence of drugs or alcohol;
- (3) reckless driving;
- (4) driving without a license or while his license is suspended;
- (5) failure to stop, render aid, and disclose his identity at the scene of an accident in which he is involved;
- (6) perjury committed in a prosecution for a violation of a motor vehicle law; or
- (7) a felony involving use of a motor vehicle;
- (8) conviction of 12 moving traffic violations within a five year period.

In order to make this legislation effective the bill provides that a person convicted as a habitual traffic offender commits a felony punishable by a fine of not more than \$1,000, or by imprisonment in the state penitentiary for not more than one year or by both. Because so often a person convicted of driving while intoxicated is given a probated sentence and consequently is free to become involved in another accident or be charged with driving while intoxicated again this bill provides that no person convicted may be given a probated sentence for this offense. A person convicted will have his driver's license revoked.

After five years have expired the person who was convicted of being an habitual traffic offender may petition the court in which he was convicted for the restoration of his right to apply for a driver's license. If he drives a motor vehicle on the highways of this state after his license is revoked he commits a felony punishable by imprisonment in the state penitentiary for not less than one nor more than five years.

I ask your prompt consideration and hope that you will enact legislation to help make our state's highways safe for all our citizens.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

JOINT SESSION

(To hear address of The Honorable Joe L. Matthews, National Commander of the American Legion.)

The President announced the time had arrived to hear an address by the Honorable Joe L. Matthews pursuant to the provisions of H.C.R. 15.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Rostrum.

Commander Joe L. Matthews and his party were escorted to the Speaker's Rostrum by Senators Meier, Andujar, Clower, Hightower, and Kothmann on the part of the Senate and Representatives Williams, Salem, Hale, Rodriguez, Edwards and Willis on the part of the House.

The President called the Senate to order and announced a quorum of the Senate was present.

The Honorable Price Daniel, Jr., Speaker of the House of Representatives, called the House to order and announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker of the House presented the Honorable Lindon Williams who introduced Commander Matthews to the Joint Session.

Mr. Matthews then addressed the Joint Session.

The President of the Senate presented Mr. Matthews an enrolled copy of S.R. 170, adopted by the Senate today.

The Speaker of the House introduced The Honorable Mark White, Secretary of State, who presented Mr. Matthews a Texas flag on behalf of Governor Dolph Briscoe.

The President at 11:30 o'clock a.m. declared the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 11:41 o'clock a.m.

HOUSE BILL 82 ON SECOND READING

On motion of Senator Wolff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 82, A bill to be entitled An Act relating to the establishment of airport security forces in certain airports and to the commissioning of certain employees of airport security forces as peace officers; amending Article 2.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 82 ON THIRD READING

Senator Wolff moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman,

Snelson, Traeger, Wallace and Wolff.

Nays: Jones.

Absent: Blanchard.

Absent-excused: Creighton and Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

EXECUTIVE SESSION

Senator McKinnon announced that the time had arrived for an Executive Session of the Senate (he having given notice on yesterday).

Senator Schwartz moved that the Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 17, Nays 12.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Longoria, Mauzy, McKinnon, McKnight, Patman, Schwartz, Sherman and Wolff.

Nays: Blanchard, Harris, Herring, Jones, Kothmann, Meier, Moore, Ogg, Santiesteban, Snelson, Traeger and Wallace.

Absent-excused: Creighton and Mengden.

Accordingly, the President at 11:50 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 12:09 o'clock p.m. today.

Senator Wallace requested a severance on Joe D. Carter to be a Member of the Texas Water Rights Commission.

There was no objection.

Senator Longoria asked unanimous consent to postpone for one week consideration of the nomination of The Honorable Thomas Bishop to be Adjutant General of the State of Texas.

There was no objection.

Senator Mauzy asked unanimous consent to postpone for one week consideration of the nomination of The Honorable Joe H. Golman to be a Member of the Texas Cosmetology Commission.

There was no objection.

Senator McKinnon moved confirmation of the nominees heard in Executive Session.

NOMINEES CONFIRMED

MEMBER OF THE TEXAS ANIMAL HEALTH COMMISSION:

Bob Lilly, of San Antonio, Bexar County, term to expire September 6, 1975.

MEMBER OF THE STATE JUDICIAL QUALIFICATIONS COMMISSION:

F. Ray McCormick, of El Paso, El Paso County, term to expire November 19, 1977.

MEMBERS OF THE STATE SENIOR COLLEGES BOARD OF REGENTS:

For terms to expire January 10, 1979:
J. C. Kellam, of Austin, Travis County;
Emil C. Rassman, of Midland, Midland County;
Sam Tanner, of Beaumont, Jefferson County.

MEMBERS OF THE TEXAS SOUTHERN UNIVERSITY BOARD OF DIRECTORS:

Ernest S. Sterling, of Tyler, Smith County, term to expire February 1, 1977;
Robert S. Rowland, of Houston, Harris County, term to expire February 1, 1977.

MEMBERS OF TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS:

For terms to expire January 10, 1979:
Mrs. Nelda G. Stark, of Orange, Orange County;
Dr. Frank J. Altick, of Dallas, Dallas County;
Jack Freeman, of Fort Worth, Tarrant County.

MEMBER OF THE WEST TEXAS STATE UNIVERSITY BOARD OF REGENTS:

Kent R. Hance, of Lubbock, Lubbock County, term to expire August 31, 1977.

MEMBER OF THE ADVISORY HOSPITAL COUNCIL:

Dr. A. J. Gill, of Dallas, Dallas County, term to expire July 17, 1973.

MEMBER OF THE TEXAS EMPLOYMENT COMMISSION:

Sam Lane, of Austin, Travis County, term to expire November 21, 1978.

MEMBERS OF THE GOOD NEIGHBOR COMMISSION:

Mrs. Conna Jean Nye, of Rio Grande City, Starr County, term to expire June 18, 1977;
W. John Newell, of Alpine, Brewster County, term to expire June 19, 1973.

MEMBERS OF THE LAVACA COUNTY FLOOD CONTROL DISTRICT NO. 3, BOARD OF DIRECTORS:

Robert Joseph Pesek, of Hallettsville, Lavaca County, term to expire January 1, 1973.

For terms to expire January 1, 1974:

Erwin Joseph Bucek, of Hallettsville, Lavaca County;
Leon Louis Kahanek, Jr., of Hallettsville, Lavaca County;
Alfred Neumeyer, Jr., of Hallettsville, Lavaca County.

MEMBERS OF THE MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES:

Clyde C. McCullough, Jr., of San Antonio, Bexar County, term to expire December 31, 1974.

For terms to expire December 31, 1978:
The Honorable R. G. Muckleroy, of Nacogdoches, Nacogdoches County;
Whitt Johnson, of Houston, Harris County.

MEMBER OF THE UPPER NECHES MUNICIPAL WATER AUTHORITY:

Lester Hamilton, of Palestine, Anderson County, term to expire January 1, 1979.

MEMBERS OF THE STATE BOARD OF PLUMBING EXAMINERS:

Thurston Joseph Bland, Jr., of Austin, Travis County, term to expire September 4, 1977;
William H. Williams, of Houston, Harris County, term to expire September 4, 1977.

MEMBERS OF THE RIO GRANDE VALLEY POLLUTION CONTROL AUTHORITY BOARD OF DIRECTORS:

For terms to expire April 30, 1973:
Justo L. Cisneros, of Brownsville, Cameron County;
M. F. (Red) Conner, of Harlingen, Cameron County;
Richard Martinez, Sr., of McAllen, Hidalgo County.

For terms to expire April 30, 1974:
James W. Pace, Brownsville, Cameron County;
Walter Plitt, Jr., of Brownsville, Cameron County.

MEMBERS OF THE STATE SEED AND PLANT BOARD:

For terms to expire October 6, 1973:
Dr. Morris E. Bloodworth, of College Station, Brazos County;
Douglas M. Conlee, of Waco, McLennan County;
Dr. Harold E. Dregne, of Lubbock, Lubbock County.

For terms to expire October 6, 1974:
Wilmer Smith, of Wilson, Lynn County;
Grady Clark, Jr., of Corpus Christi, Nueces County;
Heino Staffel, Jr., of Austin, Travis County.

MEMBER OF THE TRI-COUNTY MUNICIPAL WATER DISTRICT:

W. W. Siddons, Jr., of Hillsboro, Hill County, term to expire July 22, 1973.

MEMBER OF THE VETERANS AFFAIRS COMMISSION:

Charles Lowell Slaton, of Quanah, Hardeman County, term to expire December 31, 1977.

The nominees were confirmed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton and Mengden.

Question recurring on the request of Senator Wallace on the confirmation of Mr. Carter.

Mr. Carter was confirmed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Brooks and Wallace.

Absent-excused: Creighton and Mengden.

MOTION TO PLACE SENATE BILL 163 ON SECOND READING

Senator Adams asked unanimous consent to suspend the regular order of business and take up S.B. 163 for consideration at this time.

There was objection.

Senator Adams then moved to suspend the regular order of business and take up S.B. 163 for consideration at this time.

Question, Shall S.B. 163 be placed on its second reading and passage to engrossment?

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 22, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 130, A bill to be entitled An Act relating to dismissal of certain members of a jury panel; repealing Section 14, Chapter 905, Acts of the 62nd Legislature, Regular Session, 1971; and declaring an emergency.

H.B. 165, A bill to be entitled An Act relating to tuition and laboratory fee exemptions for certain firemen enrolled in certain courses at state-supported institutions of higher education; amending Section 54.208, Texas Education Code; and declaring an emergency.

H.B. 262, A bill to be entitled An Act repealing Section 8, Chapter 177, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes) relating to the adoption of

children by members of the same race; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MEMORIAL RESOLUTIONS

S.R. 173 - By Senator Snelson: Memorial resolution for Dr. John Duncan McDaniel.

S.R. 174 - By Senator Snelson: Memorial resolution for Cleveland Thurman "Cleve" Jones, Sr.

S.R. 175 - By Senator Snelson: Memorial resolution for Harold Hall Carr.

S.R. 176 - By Senator Snelson: Memorial resolution for William L. Watters.

CONGRATULATORY RESOLUTIONS

S.R. 170 - By Senators Andujar, Creighton and Meier: Extending congratulations to Joe L. Matthews for his lifetime of work for the public good.

S.R. 172 - By Senator Snelson: Extending congratulations to Mr. and Mrs. Robert L. Blair on the occasion of their 50th Wedding Anniversary.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:29 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 26, 1973.

TWENTY-SIXTH DAY (Monday, February 26, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

A quorum was announced present.

The Reverend Jerry Jay Smith of Northwest Hills United Methodist Church, Austin, Texas, offered the invocation as follows:

We are grateful that we have safely returned from our appointments and